

EXHIBIT 3

EXHIBIT B-1, C-2, T-2

to Duke University's Motion
for Summary Judgment

CASE SUPPLEMENTAL REPORT

Printed: 04/29/2011 15:14

NOT SUPERVISOR APPROVED

Duke University Police Department

OCA: 201100927

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: FURTHER INVESTIGATION

Case Mng Status: NON-CRIMINAL, FOLLOW-UP

Occured: 04/25/2011

Offense: SUSPICIOUS ACTIVITY

Investigator: DYSON, DAVID (0254259)  Date / Time: 04/29/2011 15:12:06, Friday

Supervisor: STOTSBERG, GREG A. (221396) Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Follow Up

On April 27, 2011 around 1000 hours, Lt. Stotsenberg and I visited the dorm room of Colby Leachman in Southgate. Leachman agreed to speak with us and his roommate left to give us some privacy. About two dozen liquor bottles, mostly empty, were plainly visible in the room, along with an open 24 pack of Yuengling beer on the floor. A wooden gate arm was propped in a corner, while the front bumper of a Honda hung on the wall. Lt. Stotsenberg started by asking him about "an anonymous report" we had received. Leachman was aware that everyone in Southgate was discussing the incident. He said that he was at the Sigma Nu seafood event, which he described as a fraternity event where everyone ate seafood and got drunk. He met a girl there during the last 30 minutes of the event. She was from the College of Charleston, and her name started with a C. He then remembered her name was Caitlin. He knew nothing else that might identify her. She said "let me come back with you" to him, and they went to Southgate. As they were in his room with Frank Jones, she bluntly asked them if they wanted to "double-team" her. They dismissed this suggested and resumed playing his FIFA videogame. Later, he started to "hook up" with her. Then, Frank joined in. Sebastian Vandenhese opened the door at one point. A crowd had gathered in the hallway outside of the room. Their friend and fraternity brother Brian Self entered. He started to "hook up" with her, and the two of them left at his request. As he was pressed for details, Colby stated "I was drunk."

Lt. Stotsenberg then inquired if he knew what an "Eiffel Tower" sex act was. Leachman claimed to have no knowledge about it. He was then confronted with a second allegation about a videotape being made while he and another male were engaging in an Eiffel Tower with a woman, who was not consenting to the videotaping. Leachman denied any involvement. Lt. Stotsenberg then asked to look at his phone, since the allegation was that he used his cell phone to film the act. Leachman replied that his phone did not have a camera, that it was a simple flip phone, and that he was the only person at Duke without a smart phone. As Leachman pulled out his phone, I saw that it did in fact have a camera. He handed it to Lt. Stotsenberg and gave consent to look through it. A video was quickly located with a female voice cursing and asking if the male was videotaping. Leachman was confronted with this, and stated that the video was from high school. The timestamp on the video showed that it was filmed on March 6, 2011. Leachman then stated that he meant to say that the woman was a friend from high school, but then she was from his middle school, and she was in college in Delaware. When I asked about the male, he said that the male was a "friend in Durham." I explained the seriousness of this, and the consequences of his actions. He broke down and admitted that he filmed it at Duke. He identified the woman in the video by her first name and last initial, and knew where she lived. This woman, E.T., is known to investigators. The male was his friend Brian Self. He stated that at the time he was filming, E.T. was fellating Self. He admitted that he had shown it to a few people, but not the entire fraternity as the rumor had alleged. He agreed to let me look through his MacBook laptop. I searched through his images, and found several dozen images of a topless woman which he identified as his ex-girlfriend. He appears with her in some images, and they do not appear to be secretly obtained. There were about 50 pornographic videos, which by viewing the thumbnails and file names, appeared to be professionally made adult pornography. Leachman agreed to let us seize his phone as evidence and search it.

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/29/2011 15:14

Duke University Police Department

OCA: **201100927**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *FURTHER INVESTIGATION*

Case Mng Status: *NON-CRIMINAL, FOLLOW-UP*

Occured: *04/25/2011*

Offense: *SUSPICIOUS ACTIVITY*

Investigator: *DYSON, DAVID (0254259)*

Date / Time: *04/29/2011 15:12:06, Friday*

Supervisor: *STOTSENBERG, GREG A. (221396)* **Supervisor Review Date / Time:** *NOT REVIEWED*

Contact:

Reference: *Follow Up*

Next we found Frank Jones in his room in Southgate around 1120 hours. He agreed to talk with us. I observed a bottle of wine on the roommate's desk and a flask on Jones'. As I opened the door to step into the hallway and get another chair, I discovered a male, Ian Hall, from room 301 eavesdropping. We asked Jones about an "anonymous report" we received and he started telling us about the incident involving a woman from Charleston, who he described as short and blond. He stated that he was hanging out in Leachman's room with him, playing FIFA. Leachman had brought a woman in, and Leachman started making out with her. Jones stated that "she knew what she was doing" and appeared to him to be clearly consenting. Jones focused on the game and ignored what they were doing. This went on for about 25 minutes. She then tried to fellate Jones, but he stopped her. He did not offer many details, and when I asked later, he said that she had taken his penis out of his pants before he stopped her. Brian Self came by the room, and took her back to his room. When we asked about someone entering the room, he said that he encountered an intoxicated Sebastian Vandenheste downstairs when he went to get a drink from the first floor. Later, Sebastian had gotten a crowd in the hallway outside the room. Jones stated that he left Southgate and returned to his room around 0300 or 0330 hours. Jones was vague throughout, and ran through the incident very quickly. When we asked about an Eiffel Tower incident, he denied any knowledge.

We called Brian Self after being unable to locate him in his room. He agreed to meet with us at the Southgate kitchen. Self knew what we wanted to talk about, and started discussing the woman from Charleston, who he thought her first name began with a K. She was about 5'7", wearing shorts and a tank top. He stated that Leachman met the girl at a party, and brought her to Southgate. Leachman started to hook up with her, and Jones joined in. Self later walked into the room and started talking to her. They started to make out, and went to his room. They made out, but there was no sex, and he "didn't bust a nut." She spent the night, and the next morning got a phone call before leaving. She was yelling at the person on the other end. He knew that she was at Duke with a female friend. He did not remember what she discussed with him that night. I asked about his roommate, and he said that his roommate likely was not there that night, but he remembers him being there in the morning. Self did not get her phone number, a facebook friend request, or any other way to contact her. When I asked him about their clothing when he entered the room, Self stated that she had her top off. When we asked, he said that he did remember Sebastian Vandenheste running around to gather a crowd.

We asked self about an incident involving a videotaped sex. He was aware, and confirmed the names of Leachman and E.T. He stated that he did not allow Leachman to record the incident. He said that she was not concerned about the incident and that they were all still friends.

At 1235 hours, we met with E.T. at the West Campus bus stop. She stated that Self and Leachman had contacted her and told her that we were coming to speak with her about the incident. She stated that it was her first time ever drinking alcohol, and had too much. She described herself a "scholarly drunk," having intellectual discussions and even did one of her friend's homework. She knew that a video was made, as they told her the next day. She even got

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 04/29/2011 15:14

Duke University Police Department

OCA: **201100927**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *FURTHER INVESTIGATION*

Case Mng Status: *NON-CRIMINAL, FOLLOW-UP*

Occured: *04/25/2011*

Offense: *SUSPICIOUS ACTIVITY*

Investigator: *DYSON, DAVID (0254259)*

Date / Time: *04/29/2011 15:12:06, Friday*

Supervisor: *STOTSENBERG, GREG A. (221396)* **Supervisor Review Date / Time:** *NOT REVIEWED*

Contact:

Reference: *Follow Up*

to listen to the audio of the clip, but had not seen it. She was told "we deleted it" by Self and Leachman. She said that she was alright with what happened and did not want prosecution. We told her that it had not been deleted, but she still did not want action taken. As our discussion was ending, she stated "Apparently I had sex. I don't remember it, but whatever."

At 1400 hours, we met with William McFayden with Durham Police Forensics. He performed a data dump from the cell phone and provided us with copies of the text messages, call logs, contacts, images and videos. Unfortunately, the videos did not have audio. The film of E.T. was made on March 6, 2011 at 0508 am, and lasts 18 seconds. The video quality is poor, but images of a topless female and the back of a male can be seen. The audio has the following conversation:

[laughter]

Female: You fucking bitch!

Male: What?

Female: Are you fucking recording this?

Male: No

Female: Fuck you!

Male: Why would I ever do that?

Female: You fucking bitch

Male: What?

Female: Fucking delete that right now!

Male: Delete What?

Female: I'll fucking kill you!

Male: Delete...

There was another video which seemed to be another incident, with a female posterior visible. Several still images were also on the phone of women in their underwear. One image contains a glass bong and glass pipe from marijuana taken 1/30/10 at 1631. One image appears to be a still image from the incident with E.T., taken March 6, 2011 at 0908am.